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C O N F I D E N T I A L SECTION 01 OF 02 PRETORIA 000330

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TAGS: [PGOV](#) [KJUS](#) [SF](#)

SUBJECT: ZUMA CONTINUES TO FIGHT CORRUPTION CHARGES

REF: A. 07 PRETORIA 4262

[1](#)B. 07 PRETORIA 3917

[1](#)C. PRETORIA 0014

[1](#)D. PRETORIA 306

[1](#)E. 07 PRETORIA 3603

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Classified By: Deputy Chief of Mission Donald Teitelbaum. Reasons 1.4(b) and (d).

[1](#)1. (C) SUMMARY. ANC President (and national presidential hopeful) Jacob Zuma is pulling out all stops in his effort to avoid prosecution for corruption, filing two cases with the Constitutional Court and personally traveling to Mauritius to try to block the handover of documents to South African authorities. Most South African insiders do not believe that Zuma will be able to escape his day in court. How this will affect his bid for the national presidency remains uncertain since it is unlikely the trial will conclude before the March/April national parliamentary elections, which the ANC will win and then elect its next president. END SUMMARY.

ZUMA CLAIMS CONSTITUTIONAL RIGHTS VIOLATED

[1](#)2. (SBU) In a bid to stop his upcoming corruption trial (Ref A), ANC President (and national presidential hopeful) Jacob Zuma's legal team filed papers on 14 February with the South African Constitutional Court claiming Zuma's constitutional rights to privacy, dignity, and a fair trial were violated when the Scorpions raided his home and the home of his attorney, Michael Hulley, in 2005. Zuma's lawyers are asking the Court for leave to appeal the Supreme Court of Appeals' November 2007 ruling that the search warrants were legal (Ref B). The Court will hear Zuma's application on 11 and 12 March.

[1](#)3. (SBU) Separately, Zuma's legal team filed paperwork with the Constitutional Court arguing that Zuma's constitutional rights were also violated when the National Prosecuting Authority (NPA) was granted the right to seek allegedly damning documents from Mauritian authorities detailing meetings between co-conspirator Schabir Shaik and French arms manufacturer Thint. The Supreme Court of Appeal's November ruling also upheld the admissibility of this evidence, despite Zuma's claim that he would suffer "grave and potentially irreparable prejudice" if the documents were handed over. Zuma also accompanied lawyers to Mauritius this

week to fight the handover of documents to South African authorities in the Mauritian court system. Press reports note that this third application, which is supposed to be heard by Mauritian authorities next week, is unlikely to be granted by the Mauritian Attorney-General's office, which has also publicly signaled its opposition to Thint's bid to stop the process.

ZUMA TO FACE ADDITIONAL CHARGES

14. (U) Zuma's trial is set to start on 4 August in the Pietermaritzburg High Court in KwaZulu-Natal province. The NPA has publicly indicated it is ready to proceed with the trial at the earliest possible date (Ref C). In addition to the original two charges of corruption Zuma faced before his case was struck from the roll in October 2006, Zuma now faces an additional fourteen charges -- one count of money laundering, one of racketeering, and 12 counts of fraud (two related to his alleged non-declaration of benefits to Parliament and Cabinet, one to him lying to Parliament, and the rest concern tax evasion by not declaring payments from Shaik to South African Revenue Service). Press reports note QShaik to South African Revenue Service). Press reports note that the state has to prove at least two racketeering acts that were committed within 10 years of each other; the NPA has stated it has 1,582 examples from which to choose.

COMMENT

15. (C) Despite the recent proposal to disband the Scorpions (Ref D) and the controversial suspension of NPA head Vusi Pikoli last year (Ref E), most South African insiders do not believe that Zuma will be able to escape his day in court. How this will affect his bid for the national presidency

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remains uncertain since it is unlikely the trial will be concluded before the March/April national parliamentary elections, which the ANC will win and then elect the next president. While there are many in the ANC who will likely be embarrassed by a sitting South African president on trial for corruption, ANC insiders have pointed out that the ANC did not blindly elect Zuma and do not seem troubled by the fact that much of the president's time could be taken up by court proceedings (septel). Post also notes that no interlocutor on the ANC side, pro-Zuma or not, has ever claimed that Zuma is innocent of the charges. Instead, his supporters argue that he is a victim of a political vendetta, and "he is not the only one" who is corrupt.
BOST